

**ENGAGING  
FAMILIES**

A critical aspect of engaging families is to work with them in the context of their culture and ethnicity. Working with Indian families means that Michigan Department of Health and Human Services (MDHHS) staff must:

- Explore how culture and rituals influence parenting decisions.
- Determine what services and supports will be most effective.
- Honor tribal practices.

**Cultural Issues**

Caseworkers must incorporate the Indian culture when planning for services and evaluate the effectiveness of the services to meet the cultural needs of the child(ren) and family.

“Culturally appropriate services” means services that enhance an Indian child’s and family’s relationship to, identification, and connection with the Indian child’s tribe. Culturally appropriate services should provide the opportunity to practice the teachings, beliefs, customs, and ceremonies of the Indian child’s tribe so those may be incorporated into the Indian child’s daily life, as well as services that address the issues that have brought the child and family to the attention of the department that are consistent with the tribe’s beliefs about child rearing, child development, and family wellness. Culturally appropriate services may involve tribal representatives, extended family members, tribal elders, spiritual and cultural advisors, tribal social services, individual Indian caregivers, medicine men or women, and natural healers. If the Indian child’s tribe establishes a different definition of culturally appropriate services, the court shall follow the tribe’s definition; see MCL 712B. 1 - 41.

Caseworkers must complete and incorporate an DHS-120c American Indian/Alaska Native Child Welfare Cultural Plan into all case plans and service agreements for all Indian child welfare cases throughout the placement episode; See [Passports for Native Children](#) or at [www.tribal-institute.org](http://www.tribal-institute.org).

Caseworkers must endeavor to create a manageable, tribal specific, and age-appropriate cultural plan utilizing the Cultural Activities/Cultural Items examples found on the DHS-120c. Ideally, caseworkers will identify as many age-appropriate items for the child as permissible and manageable.

Caseworkers must identify and complete a minimum of one tribally specific item per category (One item for cultural activity and one item for cultural items) for each reporting period. Caseworkers must submit an exception narrative in writing to their supervisor and in MiSACWIS for supervisor approval if cultural activities or cultural items are not identified, completed, or procured for the American Indian/Alaska Native or Canadian Indian child (Examples of exception narrative include: Developmental characteristics of child; residential facility regulations for personal items; weather/safety cancellation of events; illness; etc...). Cultural plans and exception requests must be logged/scanned into MiSACWIS for the case record.

**Note:** A cultural plan is voluntary for the *client*; not a court requirement.

Best-Practices: See [Passports for Native Children](http://www.tlpi.org) (www.tlpi.org) and *Integrating Tribal Cultural Practices into Tribal Juvenile Detention Centers and Reentry Plans* (<http://www.doj.gov/ojjdp>) for additional cultural resources.

## Family Centered Practice

Family centered practice is the belief that the welfare of any single child or family member is inseparable from the psychological and social functioning of other members of the family. When providing assistance to a child, services should not only address the needs of the child, but also the needs of the entire family. To successfully make changes in the family system, caseworkers should:

- Listen to the family to understand their perspectives, values and decision making processes.
- Respect the expertise of families in understanding their own needs and identifying their own solutions.
- Continually consider the culture, race and ethnicity of the family.
- Utilize [MiTEAM Practice Model](#) and Protocols.

**FAMILY  
INTERVENTION  
SERVICES****Case Identification**

For all child welfare cases involving court action where there is reason to believe a child may be Indian, the caseworker must follow the Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act (MIFPA) requirements regarding that child, pending verification of the child's Indian status.

Caseworkers should consult the Native American Rights Fund, State Court Administrative Office, and Native American Affairs (NAA) website links for ICWA best practice tips. Involvement of the tribe and/or Indian organizations must be actively sought and documented. All MDHHS services must be offered regardless of tribal organization/Indian organization/urban Indian organization involvement. Tribal/Indian/urban Indian organization involvement is needed to reduce the potential for cultural bias in evaluation and decision making as part of the department's efforts to meet ICWA's active efforts requirement. Obtaining the involvement of the tribe or an Indian organization must occur at the earliest possible point; see NAA website <http://www.michigan.gov/americanindians> for Michigan urban Indian center contacts.

**Note:** Whenever possible workers should contact a tribe for all non-court child welfare cases at the earliest opportunity.

**Active Efforts**

Caseworkers must collaborate with a child's tribe within **three calendar days** upon assignment of a child welfare case involving court action including children's protective services (Category I), foster care, adoption, juvenile justice, and juvenile guardianship. The child's tribe will define active efforts for the department.

MIFPA defines active efforts (MCL 712B. 1 - 41) for Indian child welfare cases as administered by the department or contracted services for placement agency foster care (PAFC) for the state of Michigan. Active efforts means action to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and to reunify the child with the Indian family. Active efforts require more than a referral to a service without actively engaging the Indian child and family. Active efforts include

reasonable efforts as required by title IV-E of the Social Security Act, 42 USC 670 to 679c, and also include doing or addressing all of the following:

(i) Engaging the Indian child, child's parents, tribe, extended family members, and individual Indian caregivers through the utilization of culturally appropriate services and in collaboration with the parent or child's Indian tribes and Indian social services agencies.

(ii) Identifying appropriate services and helping the parents to overcome barriers to compliance with those services.

(iii) Conducting or causing to be conducted a diligent search for extended family members for placement.

(iv) Requesting representatives designated by the Indian child's tribe with substantial knowledge of the prevailing social and cultural standards and child rearing practices within the tribal community to evaluate the circumstance of the Indian child's family and to assist in developing a case plan that uses the resources of the Indian tribe and Indian community, including traditional and customary support, actions, and services, to address those circumstances.

(v) Completing a comprehensive assessment of the situation of the Indian child's family, including a determination of the likelihood of protecting the Indian child's health, safety and welfare effectively in the Indian child's home.

(vi) Identifying, notifying and inviting representatives of the Indian child's tribe to participate in all aspects of the Indian child custody proceeding at the earliest possible point in the proceeding and actively soliciting the tribe's advice throughout the proceeding.

(vii) Notifying and consulting with extended family members of the Indian child, including extended family members who were identified by the Indian child's tribe or parents, to identify and to provide family structure and support for the Indian child, to assure cultural connections, and to serve as placement resources for the Indian child.

(viii) Making arrangements to provide natural and family interaction in the most natural setting that can ensure the Indian child's safety, as appropriate to the goals of the Indian child's permanency plan, including, when requested by the tribe, arrangements for transportation and other assistance to enable family members to participate in that interaction.

(ix) Offering and employing all available family preservation strategies and requesting the involvement of the Indian child's tribe to identify those strategies and to ensure that those strategies are culturally appropriate to the Indian child's tribe.

(x) Identifying community resources offering housing, financial, and transportation assistance, in-home support services, in-home intensive treatment services, community support services, and specialized services for members of the Indian child's family with special needs, and providing information about those resources to the Indian child's family, and actively assisting the Indian child's family or offering active assistance in accessing those resources.

(xi) Monitoring client progress and client participation in services.

(xii) Providing a consideration of alternative ways of addressing the needs of the Indian child's family, if services do not exist or if existing services are not available to the family.

**Note:**

1. **Reasonable efforts are not sufficient.** When involved with Indian children and their families, **active efforts must be provided.**
2. The caseworker must take a proactive approach with clients and actively support them in complying with the service plan rather than requiring the service plan be completed by the client alone.
3. Active efforts must be determined on a case by case basis in collaboration with the child's tribe.
4. Active efforts must be culturally sensitive and appropriate.
5. All MDHHS services still apply even if a tribe or Indian organization is involved.
6. Prior to the removal of an Indian child from the home, the active efforts must provide remedial and rehabilitative programs designed to prevent the breakup of the family.

**Exception:** See NAA 235, Emergency Placement, when an Indian child is in imminent danger of physical damage or harm.

7. Prior to filing a petition to request termination of parental rights to an Indian child, the active efforts must provide remedial and rehabilitative programs designed to reunify the family.
8. All services, programs and caseworker efforts provided to meet ICWA/MIFPA active efforts requirement must be documented and shown to have failed prior to filing a petition to request court involvement.

**Exception:** See NAA 235, Emergency Placement, when an Indian child is in imminent danger of physical damage or harm.

9. Caseworkers must satisfy the court that active efforts have been made but with a clear and convincing evidence standard and requirement for expert witness testimony.
10. Indian youth 12 years or older, as developmentally appropriate, must be engaged to solicit their preferences in case planning for active efforts, placement priorities, and culturally appropriate service delivery.

**CHILDREN AND  
FAMILIES  
AFFILIATED WITH  
CANADIAN,  
MICHIGAN STATE  
HISTORIC TRIBES,  
AND/OR  
DESCENDANT  
FAMILIES**

Caseworkers should provide children and their families who are affiliated with Canadian Indian and Michigan State Historic Tribes with notification (see DHS-121 and local Canadian contact referral; NAA 200), culturally appropriate services, and make active efforts to reunite these families.

According to confidentiality policy (see SRM 131 and DHS 1555-CS) and with permission of the client, appropriate officials from a family's Canadian Indian or Michigan State Historic Tribe (social services director, tribal enrollment officer, tribal court, etc.) should be contacted and invited to participate in planning and facilitating any case conference or family team meeting that is held.

**Descendant  
Children and  
Families**

Caseworkers should provide children and families who have Indian ancestry, however, are not eligible for enrollment within their tribe of affiliation due to tribal membership laws/tribal constitution with proper tribal notification (DHS-120/DHS-121 and DHS-121a), culturally appropriate services (DHS-120c), and make active efforts to reunite these families.

Caseworkers should consult the Tribal Agreement Manual (TAM) for ICWA agreements with tribes that include descendant child(ren) and family service provisions (For example: Saginaw Chippewa Indian Tribe ICWA Agreement).

According to confidentiality policy (see SRM 131 and DHS 1555-CS) and with permission of the client, appropriate officials from a family's Canadian Indian, state historic, or federally recognized U.S. tribe (social services director, tribal enrollment officer, tribal court, etc.) should be contacted and invited to participate in planning and facilitating any case conference or family team meeting that is held.

***DHS-121a American Indian/Alaska Native Descendant Child Welfare Case Notification (Client Referral)***

For families in which the DHS-120/DHS-121 are returned with a response that the family is not eligible for membership, however, the family/child are recognized as descendant(s) of the tribe and the family approves tribal services, the DHS-121a American Indian/Alaska Native Descendant Child Welfare Case Notification (Client Referral) form, should be sent to the respective tribe along with case information per MDHHS case referral policy & CPL.

For families in which the DHS-120/DHS-121 are returned with a response that the family is not eligible for membership, however, the family/child are recognized as descendant(s) of the tribe and the family declines tribal services, the DHS-121a American Indian/Alaska Native Descendant Child Welfare Case Notification form, should be sent to the respective tribe.

The DHS-121a must be scanned/logged into the MiSACWIS case record and case contacts/narrative.

If a descendant family declines tribal services at the onset of the case, caseworkers must obtain case management

recommendations from the respective tribe without disclosing confidential case identifying information.

***Best-practice tip regarding requesting tribal case consult:***

My client has declined tribal services as a descendant family at this time, however, the department would like to obtain culturally competent case planning recommendations from the tribe for a family experiencing the following case characteristics....

Your consultation is greatly appreciated and at any time in the case if the family changes its preference regarding tribal services I will forward client specific information per MDHHS services policy (FOM 722-6 & PSM 714-2) & Child Protection Law (CPL 727.627 Section 7).

**Note:** For children or families that are members or eligible for membership in a federally recognized tribe, all ICWA/MIFPA mandates apply and notification must be provided and tribal intervention must be permitted per ICWA/MIFPA.

**Culturally  
Appropriate  
Services**

Caseworkers should consult with local Michigan tribes and urban Indian organizations regarding recommended programs for assistance and examples of protocol that have demonstrated success with these Canadian Indian and Michigan State Historic Tribal scenarios (see NAA 610, Federally Recognized Tribes Located in Michigan for other culturally appropriate services). For more information on culturally appropriate services, review Substance Abuse Mental Health Services Administration (SAMHSA) Cultural Card for working with American Indians.

**Note:** ICWA was created to preserve a culture, and ICWA guidelines were created in the broadest of terms to best meet the needs of Indian people while accomplishing Indian child protection and cultural preservation; see NAG, ICWA.

Federal ICWA guidelines do not *legally* apply to the three groups of Indian populations found in many counties (especially urban areas) throughout the state: Canadian Indians, Michigan State Historic Tribes, and descendant families (unless the department has a tribal agreement authorizing service provisions).



*In these cases*, courts may order culturally appropriate services, policy, and procedures for Canadian Indian and Michigan State Historic tribal clients; however, *these families are not covered by ICWA*. When appropriate, caseworkers may ask that the courts take into consideration their placement and service plan recommendations based upon a culturally competent model of services for American Indian families (ICWA), or conversely, the courts may require MDHHS caseworkers to provide culturally competent services for these families. Open and frequent communication with the local (or respective) court staff will promote a better understanding as well as guidance on these intricate cases.

Furthermore, notification to Canadian tribes utilizing the DHS-121 does not afford the Canadian tribes with the same legal status as federally recognized tribes; however, Canadian tribes may petition the U.S. courts to intervene and order culturally appropriate services, policy, and procedures for Canadian Indian cases.

As stewards of child protection and in keeping with the intent of Congress' enactment of ICWA, caseworkers should utilize the [BIA Guidelines for State Courts and Agencies for Indian Child Custody Proceedings](http://www.michigan.gov/documents/dhs/BIA-Guidelines-for-State-Courts-2015_482687_7.pdf?20150521084636) at [http://www.michigan.gov/documents/dhs/BIA-Guidelines-for-State-Courts-2015\\_482687\\_7.pdf?20150521084636](http://www.michigan.gov/documents/dhs/BIA-Guidelines-for-State-Courts-2015_482687_7.pdf?20150521084636); as a means of providing culturally competent services for Canadian Indians and Michigan State Historic Tribes.

Caseworkers, in following ICWA guidelines as a best-practice and culturally competent tool, will provide all avenues available to assist these unique Indian families.

## LEGAL BASIS

Child Protection Law, MCL 727.627.7.

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.